

## REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on March 3, 2005, the Examiner rejected claims 1-29.

### Rejections under 35 U.S.C. § 101

In the Office Action, the Examiner objected to claim 8 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicants respectfully traverse. The Examiner states, “although the claimed invention produces a useful, concrete, and tangible result, since the claimed invention as a whole is not within the technological arts ... claim 8 is deemed to be directed to non statutory subject matter”. Claim 8 is directed to the technological art of coupon and shopping technology. It is not necessary for a method to recite that it is performed by a computer in order to fall within the realm of acceptable subject matter. Claim 8 relates to a method of utilizing an electronic coupon which advances the technological art by illustrating how an electronic coupon can be used. Claim 8 is clearly not directed at an abstract idea, law of nature, or natural phenomena but rather at a tangible process of “utilizing an electronic coupon”. Applicants therefore request that the rejection of claim 8 be lifted.

### Rejections under 35 U.S.C. § 112

In the Office Action, the Examiner objected to claim 18 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim has been amended in accordance with Examiner’s request.

#### Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1, 3-11, and 13-29 under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,905,246 to Fajkowski. Applicants respectfully traverse. The standard for a Section 102 rejection is set forth in M.P.E.P 706.02, which provides:

“... for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.”

Fajkowski does not teach **electronic couponing** but rather a **coupon card** which can be used to store multiple coupons. Fajkowski Column 4, Lines 29-34. Fajkowski's concept of a coupon card involves storing multiple **non-electronic** UPC code type coupons in an electronic manner such that any of the non-electronic coupons can be utilized by the coupon card. Fajkowski Column 3, Lines 51-62. The claims of the present invention are directed to an electronic coupon that is entirely electronic based. “Computer devices ... electronically generate, issue, distribute, manage, and redeem the electronic coupons”. Application Page 13, Lines 20-24. The UPC code type coupons discussed in Fajkowski are printed on paper rather than electronically generated. Applicants therefore request that the rejection of claims 1, 3-11, and 13-29 under 35 U.S.C. 102(b) be lifted.

#### Rejections under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 2 and 12 under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,905,246 to Fajkowski in view of U.S. Pat. No. 6,330,543 to Kepecs. Applicants respectfully traverse.

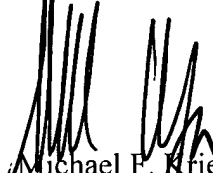
Claims 2 and 12 are dependent from claims 1 and 11. Claims 2 and 12 are therefore allowable for at least the same reasons stated above with respect to claims 1 and 11.

### CONCLUSION

Applicants submit that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 5 day of April, 2005.

Respectfully submitted,

  
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DOCS-#818819-v1-Amendment\_and\_Response.DOC